

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/03/2023

-----X
MICHAEL SMITH,

Plaintiff,

-v-

PORT AUTHORITY TRANS HUDSON CORP.,

Defendant.
-----X

23-cv-3725 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff Michael Smith, a resident of New Jersey, brings this action alleging injuries he suffered on February 17, 2022, while employed by Defendant and working in Harrison, New Jersey. Dkt. No. 1.

Plaintiff alleges venue, pursuant to 28 U.S.C. § 1391(b)(2), on the theory that a substantial part of the events or omissions giving rise to the claim occurred in this District. However, as Plaintiff conceded at the initial pretrial conference held today the events or omissions giving rise to the claim all occurred in New Jersey and thus venue is not properly alleged on that theory. Section 1406 of Title 28 gives the Court the discretion in the interest of justice to transfer a case to a district in which the case could have been brought. 28 U.S.C. § 1406. Section 1404 of Title 28 gives the Court the power, for the convenience of parties and witnesses and in the interest of justice, to transfer the case to a district where it might have been brought. 28 U.S.C. § 1404(a). This case could have been brought in the United States District Court for the District of New Jersey and that District is far more convenient given the locus of the events at issue in this case. Defendant does not object to a transfer of venue.

Accordingly, the Clerk of Court is respectfully directed to transfer this case to the United States District Court for the District of New Jersey.

SO ORDERED.

Dated: August 3, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge